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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,748	08/25/2003	Hung-Shan Wei		3750

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EXAMINER

DANNEMAN, PAUL

ART UNIT	PAPER NUMBER
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3627

MAIL DATE	DELIVERY MODE
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12/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/648,748	Applicant(s) WEI, HUNG-SHAN	
	Examiner PAUL DANNEMAN	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>25 August 2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This action is in response to the application filed on 25 August 2003.
2. All pending Claims 1 through 9 have been examined.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. **Claims 1-9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Horne, US 7,058,587 B1.

6. **Examiner's note:** Examiner has pointed out particular references contained in the prior art of record in the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully

the **entire** reference as potentially teaching all or part of the claimed invention, as well as the content of the passage as taught by the prior art or disclosed by the Examiner.

Claims 1, 5 and 9:

With regard to the limitations of a material management system:

- ***Obtaining manufacturing order related data from a Bill of Material (BOM) database,***
- ***Calculating material shortages,***
- ***Determining to purchase material or reallocate material to another order.***

Horne in at least Fig.1B, Fig.1C, Fig.1D, Fig.2 to Fig.9, Column 1, lines 15-20, and Column 2, lines 5-14 discloses a system for optimizing and allocating the supply of critical material components and manufacturing capacity based on a detailed analysis of bills-of-material and through the use of substitution logic that considers alternate suppliers and supports the complete product life cycle from design through end-of-life. Horne in at least Column 2, lines 23-37 further discloses balancing constrained material needs against production or current supplier commitments and evaluating potential shortages for substitution and contacting supplier alternatives via the Internet for availability and allowing for dynamic material substitutions and allocation in a profitable manner. Therefore, it would be obvious, at the time of the invention, to a person of ordinary skill to determine that Horne clearly anticipates the limitations of Applicant's invention and improves on the limitation of conventional MRP (material resource planning) logic.

Claims 2-4 and 6-8:

With regard to the limitations:

- ***Calculating material shortages from data comprising manufacturing orders, bills-of-material, current inventory, and purchase orders.***

Horne in at least Fig.2 and Fig.3 discloses evaluating the supply plan and in Column 20, lines 22-25 discloses running a supply planner, matching specific supply against demand, making adjustments to the input data and outputting reports describing the results of the analysis and for

mismatches in supply and demand, recommending the rescheduling or cancellation of work orders, purchase orders and inter-site orders. Horne in at least Fig. 4 and Column 37, lines 32-49 further discloses setting production objectives (priorities, etc.) and determining an optimal production sequence and still further discloses in at least Fig.5 and Column 39, lines 30-47 calculating a baseline supply plan, performing multiple supply plan runs over the same time span with consideration for the cost of ending inventory for each supply plan. Horne still further discloses in at least Fig.6 and Column 41, lines 6-28 optimizing the supply plan using current data such as the ending balances from the previous day's activities and in at least Fig. 7 to Fig.8 and Column 42, lines 3--58 optimizing the resources (work orders and supply orders) and prioritizing the supply orders (Column 43, lines 62-67). Therefore, it would be obvious, at the time of the invention, to a person of ordinary skill to conclude that Horne's method of calculating material shortages from present and future inventory and orders anticipates Applicant's invention.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL DANNEMAN whose telephone number is (571)270-1863. The examiner can normally be reached on Mon.-Thurs. 6AM-5PM Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul Danneman/

Examiner, Art Unit 3627

10 December 2007

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627